

### REMARKS/ARGUMENTS

Claims 1, 3, 4, 5, and 8 through 23 remain in the application. Claims 1, 3 through 5, 9 and 13 have been amended. Claims 2, 6, and 7 have been canceled. Claims 21 through 23 have been added. Applicant has added three new claims and canceled 3 claims, thus no new fee is required. Re-examination and reconsideration of the application as amended are requested.

The examiner has objected to the abstract in that it contains the word invention. Applicant has changed the word "invention" which appears two places in the abstract to the word "device". The examiner has also objected to Claim 1 for the following informalities: in article "a" in line 4 should be replaced with "the". Applicant has made this correction. Applicant believes that he has overcome all the examiner's objections.

The examiner has rejected claims 1 through 3, 7, 10, 13, 14, and 16 through 19 under 35USC102(b) as being anticipated by Goulding Jr., et. al. The examiner states that Goulding teaches a

trim heater to heat the seat trim 5 comprising of a base 2 and a frame 4 and 5 attached to the top of the base 2 and adapted such that the seat trim, a resin-impregnated material fits tightly over the frame 4 and 5 and means 29 designed to deliver power to the heater 8 and a switch thermostat 36 and 38 designed to allow the operator to turn on and off the heater 8 and the electric circuit.

Applicant states that the seat trim is not a resin-impregnated material. A seat trim is usually leather, cloth, or vinyl. As stated in the specifications on page 1, the last line, lines 13. Applicant has amended claim 1. In element B, applicant has deleted the word "a" and inserted, therefore, the words "an open". After the word frame, the applicant has inserted the words "that allow air and infrared heat to pass through". Further, in element B applicant has deleted the words "will fit" and replaced them with the words "can be stretched". Basis for this is found in the specifications on page 4, line 17 through page 5, line 3 and on page 9, line 11 through line 13. Goulding does not teach an open frame. In Goulding, what the examiner is calling an open frame is a mold for the object. This

mold is closed and the laminated material is placed on the outside. Thus, Golding does not show an open frame. Further, in Goulding, the material is not stretched over the frame. Applicant needs to stretch the seat trim over the frame since the objective of the invention is to get the wrinkles out of the seat trim so that it can be easily placed over the seat frame. In Goulding, the object is to heat a mold and cure a plastic. Thus, the resin-impregnated material would not be stretched but placed over the mold. Therefore, claim 1 as now amended is patentable over Goulding.

Claim 2 has been cancelled. Claim 3 is now dependent upon claim 4 rather than claim 1. Thus, claim 3 calls for an inferred lamp not shown in Goulding. Claim 7 has been canceled. Claim 10 is dependent on claim 1. Therefore, the same argument that applies to claim 1 applies to claim 10. Thus claim 10 is patentable over Goulding.

Claim 4 in element A has also been amended.

Claim 13 has been amended and is now dependant on claim 9. Thus claim 13 calls for an inferred lamp which is not shown in

Goulding. Claim 14 is dependent on claim 13. Thus, claims 13 and 14 are patentable over Goulding. Claims 16 through 19 are all ultimately dependant on claim 1. Thus the same argument that applies to claim 1 applies to claims 16 through 19. Thus, claims 16 through 19 are patentable over Goulding.

The examiner has stated that claims 4 through 6 and 8 and 9 are rejected under 35USC103(a) as being unpatentable over Golding in view of Matelin. Matelin shows a shielded infrared lamp. The examiner said it would be obvious to anyone ordinarily skilled in the art to modify Golding's invention to include an infrared lamp as taught by Matelin in order to provide more efficient heating. Applicant states that claims 4 through 6, 8 and 9 are all dependent upon claim 1. Thus, the same argument that applies to claim 1 would also apply to claims 4 through 6, 8 and 9. Thus, clearly, claims 4 through 6, and claim 8 and 9 are patentable over Golding and Matelin only shows an infrared lamp. Matelin does not show an open frame that a seat trim can be stretched over. Thus, claims 4 through 6, 8 and 9 are patentable over Goulding in

view of Matelin. Claims 3, 13, and 14 are all dependent on claim 4. Thus the same argument that applies to claim 4 also applies to claim 3, 13 and 14. Therefore, claims 3, 13 and 14 are all patentable over Goulding in view of Matelin.

The examiner goes on to state that claim 11 is rejected under 35 USC 103 (a) as being unpatentable over Goulding in view of Oberdorf. The examiner says that Oberdorf discloses a pivotally mounted radiant heat apparatus with a frame 14. I am not exactly certain how the examiner is combining these two patents. The motor in Goulding lies below the top of the stand and the motor would also have to be tipped or the shaft would be bent. Further, it is believed by applicant if it was possible to tip the base as in Oberdorf, it would seem that the mold would fall off. I am uncertain what the examiner is considering the base and what he is considering the top of the stand. However, applicant would point out that claim 11 is dependent upon claim 10 which is dependent upon claim 1. Thus, if claim 1 is patentable over Goulding, then claim 11 would be patentable over Golding by the same argument.

Thus, applicant believes that claim 11 is patentable over Golding. Oberdorf only includes a pivotally mounted radiant heat apparatus. Oberdorf does not show an open frame that a seat trim can be stretched over. Thus, applicant believes that claim 11 as amended is clearly patentable over Golding in view of Oberdorf.

The examiner has stated that claims 12, 15 and 20 are patentable if written in independent form. Applicant has not written the claims in independent form, but has amended claim 1 which these three claims are ultimately dependant upon to make claim 1 patentable over Goulding. Thus applicant believe that claims 12, 15 and 20 are patentable over Goulding, Overdorf and Malten taken singularly or in combination.

Applicant has added claim 21, 22 and 23. These are as follows:

21. A trim heater designed to heat a seat trim as in Claim 1 further comprising:
  - a. a fan that is located in the base that blows air that is warmed by the heater against the seat trim.

22. A trim heater designed to heat a seat trim as in Claim 21 wherein:

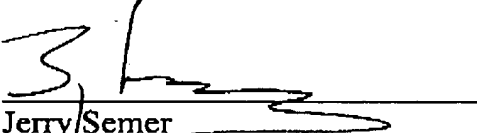
- b. the reflector is heated by the heater; and,
- c. the reflector is hollow and the fan blows air into the hollow reflector and the air is warmed by it's passage through the reflector; and,
- d. the reflector has outlets that direct the air towards the seat trim.

23. A trim heater designed to heat a seat trim as in Claim 22 wherein:

- a. the base has inlets that allow the air that the fan blows through the hollow reflector and through the reflector's outlets towards the seat trim to return to the fan.

Basis for these claims is found in the specification on page 8, line 25 through page 9, line 10. Neither Goulding, Overdorf or Malten show a fan located in the base that blows air that is heated by the heater against the seat trim. For claim 22 and 23 neither Goulding, Overdorf or Malten show a hollow reflector which air is blown through to be heated. Clearly, claims 21, 22, and 23 are patentable over Goulding, Overdorf or Malten taken singularly or in combination.

In view of the above and the argument/ remarks put forth in the previous response, it is submitted that the claims are in condition for allowance. Reconsideration of the rejection and objections is requested. Allowance of claims 1, 3, 4, 5, and 8 through 23 at an early date is solicited. Respectfully submitted,



Jerry Semer  
Attorney at Law  
617 Croghan Street  
Fremont, Ohio 43420  
419-332-2221  
#33,087